

## **REMARKS**

Of original claims 1-28, claims 26-28 have been withdrawn consistent with the election herein. No change in claim scope is intended by these amendments.

Applicant does not believe that any fees are due at this time; however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to this document, the Commissioner is authorized to deduct the fees from Locke Liddell & Sapp LLP Deposit Account No. 12-1322, referencing matter number 021961-022US.

### **I. Restriction requirement**

For the convenience of the Examiner, and clarity of purpose, Applicant has reprinted the substance of the Office Action in *10-point bolded and italicized font* (although not necessarily in the same order). Applicant's arguments immediately follow in regular font.

The Examiner required restriction under 35 U.S.C. § 121 to:

*Group I: Claims 1-25 directed towards a connector including a latch being capable of coupling with a receptacle designed to receive a fiber optic connector, classified in class 385, subclass 58; or*

*Group II: Claims 26-28 directed towards a method for decoupling a connector from a receptacle including the steps of moving the latch pull relative to the connector body so as to force the latch into a position that decouples the latch from the receptacle, classified in class 385, subclass 53.*

*The inventions are distinct from each other because of the following reasons:*

*Inventions I, claims 1-25, and II, claims 26-28, are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can*

*be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEM § 806.05(h)). In the instant case the product of group I invention can be used for coupling or decoupling optical signals via a receptacle in fiber optic communications rather than a process steps involving decoupling a connector from a receptacle of described in invention II.*

Applicant elects to continue prosecution of Group I, claims 1-25 in this application. The non-elected claims have been withdrawn from this application. Applicant hereby reserves the right to prosecute the non-elected claims in one or more related patent applications.

*This application contains claims directed to the following patentably distinct species of the claimed invention:*

*1A. Claims 14-16 that include claims 1-11 directed to a connector wherein moving the latch pull away from the receptacle causes at lease one inclined plane to slide against at least one tab;*

*1B. Claims 17-25 that include claims 1-11 directed to a connector wherein moving the latch pull toward the receptacle couples the latch with the receptacle;*

*1C. Claim 12 directed to a connector including a means for decoupling the connector body from a receptacle by establishing relative movement between the decoupling means and the connector body;*

*1D. Claim 13 directed to a connector including a means for decoupling the connector body from a receptacle by pulling the decoupling means away from the receptacle.*

*Thus, each of the above group inventions directed to an invention that is distinct, and requires a different search, than that of other inventions.*

*Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, none of the claims are generic.*

Applicant disagrees that none of the claims are generic to all embodiments disclosed in the application. Applicant contends that at least claim 1 is generic. Applicant also submits that there are many more claims pending in the application that are generic as well.

*Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.*

*Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).*

Regardless of whether the identification of species presented by the Examiner is correct and regardless of whether an election of species is appropriate in this matter, Applicant hereby elects to prosecute claims reading on the embodiment identified by species 1B as characterized by the Examiner above, claims 17-25 which include claims 1-11. Applicant believes that at least the following claims read on the elected species: Claims 1-11 and claims 17-25.

*Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no long an inventor of at least one claims*

*remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).*

No change in inventive entity is believed due at this time.

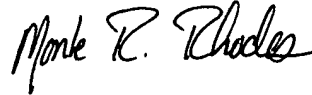
*Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all of the limitations of an allowed generic claims as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).*

*Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions patentable over the prior art, the evidence of admission may be used in a rejection under 35 USC 103(a) of the other invention.*

\* \* \* \* \*

The Examiner is encouraged to call the undersigned should any further action be required for allowance.

Respectfully submitted,



Monte R. Rhodes, Ph.D.  
Reg. No. 54,396  
Customer No. 26720  
AGENT FOR ASSIGNEE,  
EMERSON ELECTRIC CO.

Locke Liddell & Sapp LLP  
3400 JPMorgan Chase Tower  
600 Travis Street  
Houston, TX 77002-3095  
Tel: (713) 226-1326  
Fax: (713) 223-3717

September 19, 2005  
Date